

106TH CONGRESS
1ST SESSION

H. R. 708

To amend title 38, United States Code, to provide for reinstatement of certain benefits administered by the Secretary of Veterans Affairs for remarried surviving spouses of veterans upon termination of their remarriage.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 11, 1999

Mr. EVANS (for himself, Mr. SHOWS, Mr. FILNER, Ms. BROWN of Florida, Ms. CARSON, Mr. RODRIGUEZ, Mr. THOMPSON of California, Mr. KENNEDY of Rhode Island, Mr. FROST, Mr. MCGOVERN, Mr. OLVER, Mr. GREEN of Texas, Ms. DEGETTE, and Mr. UNDERWOOD) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for reinstatement of certain benefits administered by the Secretary of Veterans Affairs for remarried surviving spouses of veterans upon termination of their remarriage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REINSTATEMENT OF CERTAIN BENEFITS FOR**
2 **REMARRIED SURVIVING SPOUSES OF VETER-**
3 **ANS UPON TERMINATION OF THEIR REMAR-**
4 **RIAGE.**

5 (a) RESTORATION OF PRIOR ELIGIBILITY.—Section
6 103(d) of title 38, United States Code, is amended—

7 (1) by inserting “(1)” after “(d)”; and

8 (2) by adding at the end the following:

9 “(2) The remarriage of the surviving spouse of a vet-
10 eran shall not bar the furnishing of benefits specified in
11 paragraph (5) to such person as the surviving spouse of
12 the veteran if the remarriage has been terminated by
13 death or divorce unless the Secretary determines that the
14 divorce was secured through fraud or collusion.

15 “(3) If the surviving spouse of a veteran ceases living
16 with another person and holding himself or herself out
17 openly to the public as that person’s spouse, the bar to
18 granting that person benefits as the surviving spouse of
19 the veteran shall not apply in the case of the benefits spec-
20 ified in paragraph (5).

21 “(4) The first month of eligibility for benefits for a
22 surviving spouse by reason of this subsection shall be the
23 month after—

24 “(A) the month of the termination of such re-
25 marriage, in the case of a surviving spouse described
26 in paragraph (2); or

1 “(B) the month of the cessation described in
2 paragraph (3), in the case of a surviving spouse de-
3 scribed in that paragraph.

4 “(5) Paragraphs (2) and (3) apply with respect to
5 benefits under the following provisions of this title:

6 “(A) Section 1311, relating to dependency and
7 indemnity compensation.

8 “(B) Section 1713, relating to medical care for
9 survivors and dependents of certain veterans.

10 “(C) Chapter 35, relating to educational assist-
11 ance.

12 “(D) Chapter 37, relating to housing loans.”.

13 (b) CONFORMING AMENDMENT.—Section 1311 of
14 such title is amended by striking subsection (e).

15 (c) EFFECTIVE DATE.—The amendments made by
16 subsections (a) and (b) shall take effect on the first day
17 of the first month beginning after the month in which this
18 Act is enacted or October 1, 1999, whichever is later.

19 (d) LIMITATION.—No payment may be made to a
20 person by reason of paragraphs (2) and (3) of section
21 103(d) of title 38, United States Code, as added by sub-
22 section (a), for any period before the effective date speci-
23 fied in subsection (c).

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